

FILED
CLERKS OFFICE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS
2006 MAR -8 A 11: 54

UNITED STATES)

V.)

ANTHONY BUCCI)

U.S. DISTRICT COURT
DISTRICT OF MASS.

No. 04-cr-10194-RCL

**DEFENDANT'S REPLY TO THE GOVERNMENT'S MISLEADING
RESPONSE TO MOTION TO FOR PRODUCTION OF MIRANDA FORM**

Now comes the defendant, in the above-entitled matter,
and files his reply to the government's misleading opposition to his motion for
production of the DEA Miranda form he signed during the booking procedure following
his May 20, 2004 arrest.

The United States has provided in discovery
copies of the standard DEA Miranda forms signed by two of the codefendants, one of
which was signed on May 20, 2004
during the same booking procedure. The government has also supplied a computer
disc containing evidence of his Middleton County Jail telephone call statements about
signing such form at the time he asserted his right to counsel and made no statements
[track 4 at two minutes and thirty seconds into the tape].

The government's DEA 6 report concerning waiver of the
defendant's Miranda rights and inculpatory booking statements is similar to the DEA 6
report on Francis Muollo, but Muollo was presented with the standard DEA Miranda

form to sign. If standard DEA procedures were followed then a Miranda form was also presented to the defendant to sign but curiously the government declines to produce it. Perhaps the fourth section on such form concerning counsel having been checked off or circled by the defendant at the time he unequivocally invoked his right to counsel is the reason for such non-production ? Perhaps a more diligent search of DEA files shall turn up the existing form ?, or perhaps this Court shall choose to find an inference from the unusual absence of such form was due to its' destruction and also credit the defendant's evidentiary hearing testimony over that of Agents shown to have made false statements ! Although these questions can only be answered during an evidentiary hearing focusing on the May 20, 2004 booking of the defendant, United States V. Christian, 571 F2d 64, 66-70 (1st Cir 1978)(the defendants' testimony specific details concerning signing of Miranda form and the form exhibit itself are crucial to First Circuit reversing denial of motion to suppress where the defendant indicated he asserted his right to counsel while signing the form), This Court may now note that the government has always had these exhibits and its response falsely misrepresented that "the government is aware of no evidence which supports Mr. Bucci's contention that he was given such a form and that he executed such a form upon his arrest and booking in this case",id.

Anthony Bucci
By his attorney,

/s/Michael F. Natola

March 7, 2005

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing affidavit has been served the above date, electronically, upon Assistant U.S. Attorney John T. McNeil.

/s/ Michael F. Natola

MICHAEL F. NATOLA